

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER

83339

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**10/505403**INTERNATIONAL APPLICATION NO.  
**PCT/IB02/00541**INTERNATIONAL FILING DATE  
**February 25, 2002**PRIORITY DATE CLAIMED  
**February 26, 2001**TITLE OF INVENTION  
**CULTIVATION OF PLANTS**APPLICANT(S) FOR DO/EO/US  
**Nieuwoudt, Gert Johannes van Taak**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (**Unsigned**)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 20. below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A Preliminary Amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **International Search Report, International Examination Report, International Publication No. WO 02/067661 A2 of September 6, 2002 and Form PCT/IB/317 (Withdrawal of Priority Claim).**

CERTIFICATE OF MAILING BY "EXPRESS MAIL""Express Mail" Mailing Label Number EV 447344631 USDate of Deposit AUG 19 2004

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ROGER V. SEWELL

(Typed or printed name of person mailing)

Roger V. Sewell

(Signature of person mailing)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-left: 100px;">10/505403</div>		INTERNATIONAL APPLICATION NO. <b>PCT/IB02/00541</b>		ATTORNEY DOCKET NUMBER <b>83339</b>	
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17. <input type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$ 920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .... \$ 770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$ 730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$ 100.00 <div style="text-align: right; margin-top: 10px;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>						<b>CALCULATIONS PTO USE ONLY</b>																																																																																																							
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">             Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).           </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 10%;">- 20 =</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 10%;">x</th> <th style="width: 15%;">RATE</th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>15</td> <td>- 20 =</td> <td>0</td> <td>x</td> <td>\$18.00</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Independent Claims</td> <td>3</td> <td>- 3 =</td> <td>0</td> <td>x</td> <td>\$86.00</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td colspan="5">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>\$290.00</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> <td>920.00</td> </tr> <tr> <td colspan="6">Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to:</td> <td>\$</td> <td>460.00</td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>SUBTOTAL =</b></td> <td>\$</td> <td>460.00</td> </tr> <tr> <td colspan="6" style="border-top: 1px solid black;">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="border-top: 1px solid black;">\$</td> <td style="border-top: 1px solid black;"></td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> <td>460.00</td> </tr> <tr> <td colspan="6" style="border-top: 1px solid black;">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.</td> <td style="border-top: 1px solid black;">\$</td> <td style="border-top: 1px solid black;"></td> </tr> <tr> <td colspan="6" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$</td> <td>460.00</td> </tr> <tr> <td colspan="6" style="border-top: 1px solid black; text-align: right;"><b>AMOUNT TO BE:</b></td> <td style="border-top: 1px solid black;">Refunded</td> <td style="border-top: 1px solid black;">\$</td> </tr> <tr> <td colspan="6"></td> <td style="border-top: 1px solid black;">Charged</td> <td style="border-top: 1px solid black;">\$ 460.00</td> </tr> </tbody> </table>						CLAIMS	NUMBER FILED	- 20 =	NUMBER EXTRA	x	RATE			Total claims	15	- 20 =	0	x	\$18.00	\$	0.00	Independent Claims	3	- 3 =	0	x	\$86.00	\$	0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)					\$290.00	\$	0.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>						\$	920.00	Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to:						\$	460.00	<b>SUBTOTAL =</b>						\$	460.00	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).						\$		<b>TOTAL NATIONAL FEE =</b>						\$	460.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.						\$		<b>TOTAL FEES ENCLOSED =</b>						\$	460.00	<b>AMOUNT TO BE:</b>						Refunded	\$							Charged	\$ 460.00
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18. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. 19. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1135 in the amount of \$ <u>460.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. (Trans. No. 17071). 20. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed. <div style="margin-top: 20px;"> <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b> </div>	
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SEND ALL CORRESPONDENCE TO:  FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A.  Telephone: (312) 577-7000 Facsimile: (312) 577-7007	<div style="text-align: center;"> </div> <div style="border-top: 1px solid black; margin-top: 5px;">             SIGNATURE              Kenneth H. Samples              NAME              25,747              REGISTRATION NUMBER           </div>
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